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Attorney for Debtor
VINH NGUYEN

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In re:

VINH NGUYEN,

Debtor.

Case No. 22-50907 MEH
Chapter 7

**DECLARATION OF DEBTOR IN SUPPORT
OF OBJECTION TO EX PARTE
APPLICATION FOR ORDER
COMPELLING COMPLIANCE WITH 11
U.S.C. SECTION 521 (a)**

Judge: Hon. M. Elaine Hammond

**TO THE HONORABLE M. ELAINE HAMMOND, THE CHAPTER 7 TRUSTEE, THE
PARTIES IN INTEREST, AND THEIR RESPECTIVE COUNSEL(S) OF RECORD:**

I, Vinh Nguyen ("Debtor"), am the Debtor in the instant case. I have personal knowledge of the information contained herein and, if called upon to testify, could and would do so competently. I declare as follows:

1. On February 16, 2023, I was present at the continued Section 341 Meeting.
2. During the Meeting, I was asked questions regarding a \$19,000 check that was paid out of my IOLTA Account.
3. It is sad for me to acknowledge, but I am a 76-year old senior that is not well. I have diabetes type II, occasional loss of memory, and heart issues. I underwent artery replacement 2 years

- 1 -

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Case No. 22-50907 MEH

1 ago. Because of my medical condition, I take about 10 prescription pills a day that affect
2 my mood and make me lethargic. I can still work, but I'm slow and need time to think things
3 through. It is very difficult for me work without careful consideration / without processing.
4 Within the past 2 weeks, I was not feeling well enough to attend three scheduled appointments
5 with my counsel to go over a declaration clarifying my testimony as provided at the 341
6 Meeting.

- 7 4. As to the background of the monies in question, the \$19,000.00 was from a client involving a
8 real estate matter. In October of 2022, I was paid from a client that I'd met with in July and
9 August. I had done approximately 10 hours of work on behalf of this client at my hourly billing
10 rate of \$300.00 per hour. I have been a licensed attorney since 1994.
- 11 5. Accordingly, from the "\$19,000.00" obtained, \$3,000.00 is in fact earned money that is
12 "unexempt" for purposes of the current case. The remaining \$16,000.00, however, has not been
13 earned and still belongs to the client-not to me.
- 14 6. I am sorry that my testimony provided at the 341 Meeting was not clearer.
- 15 7. Trustee Hjelmset speaks very fast and I did not catch some of his pertinent points. In
16 particular, there was a discussion about the accounts receivable and whether or not the money
17 was in fact earned as a whole. I do recall hesitating, saying "um" as to whether the money was
18 an "account receivable". I remember my counsel attempting to assist me. From her help, I
19 understood that I would be able to go back to my records to calculate my hours and see what
20 was earned / unexempt income.
- 21 8. The Meeting was continued and I thought that I would be able to return with the results of my
22 research to provide my hours at that time. Furthermore, I was extremely concerned about
23 divulging privileged information related to my attorney trust account.
- 24 9. Therefore, I and my counsel respectfully ask the Trustee to withdraw the Ex Parte Application
25 to allow me to present his findings at the continued 341 Meeting free from any compulsory
26 motions (as I was led to believe) or, in the alternative, respectfully ask the Court to deny the Ex
27 Parte Application.

1 RESPECTFULLY SUBMITTED,
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3 Dated: February 28, 2023
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5 By: /s/ Vinh Nguyen
6 Vinh Nguyen
7 Debtor herein
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- 3 -

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